

Introduced by Senator Figueroa

January 29, 2001

An act to amend Sections 6710, 6714, 7200, 7215.6, 7800, 8710, and 22259 of the Business and Professions Code, relating to professional boards.

LEGISLATIVE COUNSEL'S DIGEST

SB 136, as introduced, Figueroa. Professional boards.

Existing law provides for the establishment of various professional boards within the Department of Consumer Affairs, including, until July 1, 2002, the Board for Professional Engineers and Land Surveyors.

This bill would extend the operation of the Board for Professional Engineers and Land Surveyors until July 1, 2004. The bill would make changes in the dates of operation for various other boards within the department. Because the bill would impose crimes and penalties for an extended period of time, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 6710 of the Business and Professions Code is amended to read:

6710. (a) There is in the Department of Consumer Affairs a Board for Professional Engineers and Land Surveyors, which consists of 13 members.

(b) Any reference in any law or regulation to the Board of Registration for Professional Engineers and Land Surveyors is deemed to refer to the Board for Professional Engineers and Land Surveyors.

(c) This section shall become inoperative on July 1, ~~2002~~ 2004, and, as of January 1, ~~2003~~ 2005, is repealed, unless a later enacted statute, that becomes effective on or before January 1, ~~2003~~ 2005, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473). However, the review of the board shall be limited to only those unresolved issues identified by the Joint Legislative Sunset Review Committee.

SEC. 2. Section 6714 of the Business and Professions Code is amended to read:

6714. The board shall appoint an executive officer at a salary to be fixed and determined by the board with the approval of the Director of Finance.

This section shall become inoperative on July 1, ~~2002~~ 2004, and, as of January 1, ~~2003~~ 2005, is repealed, unless a later enacted statute, that becomes effective on or before January 1, ~~2003~~ 2005, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. Section 7200 of the Business and Professions Code is amended to read:

7200. (a) There is in the Department of Consumer Affairs a State Board of Guide Dogs for the Blind in whom enforcement of this chapter is vested. The board shall consist of seven members appointed by the Governor. One member shall be the Director of Rehabilitation or his or her designated representative. The remaining members shall be persons who have shown a particular interest in dealing with the problems of the blind, and at least two of them shall be blind persons who use guide dogs.

(b) This section shall become inoperative on July 1, 2002 _____, and, as of January 1, 2003 _____, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2003 _____, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 4. Section 7215.6 of the Business and Professions Code is amended to read:

7215.6. (a) In order to provide a procedure for the resolution of disputes between guide dog users and guide dog schools relating to the continued physical custody and use of a guide dog, in all cases except those in which the dog user is the unconditional legal owner of the dog, the following arbitration procedure shall be established as a pilot project.

(b) This procedure establishes an arbitration panel for the settlement of disputes between a guide dog user and a licensed guide dog school regarding the continued use of a guide dog by the user in all cases except those in which the dog user is the unconditional legal owner of the dog. The disputes which may be subject to this procedure concern differences between the user and school over whether or not a guide dog should continue to be used, differences between the user and school regarding the treatment of a dog by the user, and differences over whether or not a user should continue to have custody of a dog pending investigation of charges of abuse. It specifically does not address issues such as admissions to schools, training practices, or other issues relating to school standards. The board and its representative are not parties to any dispute described in this section.

(c) The licensed guide dog schools in California and the board shall provide to guide dog users graduating from guide dog programs in these schools a new avenue for the resolution of disputes that involve continued use of a guide dog, or the actual physical custody of a guide dog. Guide dog users who are dissatisfied with decisions of schools regarding continued use of guide dogs may appeal to the board to convene an arbitration panel composed of all of the following:

(1) One person designated by the guide dog user.

(2) One person designated by the licensed guide dog school.

(3) A representative of the board who shall coordinate the activities of the panel and serve as chair.

1 (d) If the guide dog user or guide dog school wishes to utilize
2 the arbitration panel, this must be stated in writing to the board.
3 The findings and decision of the arbitration panel shall be final and
4 binding. By voluntarily agreeing to having a dispute resolved by
5 the arbitration panel and subject to its procedures, each party to the
6 dispute shall waive any right for subsequent judicial review.

7 (e) A licensed guide dog school that fails to comply with any
8 provision of this section shall automatically be subject to a penalty
9 of two hundred fifty dollars (\$250) per day for each day in which
10 a violation occurs. The penalty shall be paid to the board. The
11 license of a guide dog school shall not be renewed until all
12 penalties have been paid.

13 The fine shall be assessed without advance hearing, but the
14 licensee may apply to the board for a hearing on the issue of
15 whether the fine should be modified or set aside. This application
16 shall be in writing and shall be received by the board within 30
17 days after service of notice of the fine. Upon receipt of this written
18 request, the board shall set the matter for hearing within 60 days.

19 (f) As a general rule, custody of the guide dog shall remain with
20 the guide dog user pending a resolution by the arbitration panel.
21 In circumstances where the immediate health and safety of the
22 guide dog user or guide dog is threatened, the licensed school may
23 take custody of the dog at once. However, if the dog is removed
24 from the user's custody without the user's concurrence, the school
25 shall provide to the board the evidence that caused this action to
26 be taken at once and without fail; and within five calendar days a
27 special committee of two members of the board shall make a
28 determination regarding custody of the dog pending hearing by the
29 arbitration panel.

30 (g) The arbitration panel shall decide the best means to
31 determine final resolution in each case. This shall include, but is
32 not limited to, a hearing of the matter before the arbitration panel
33 at the request of either party to the dispute, an opportunity for each
34 party in the dispute to make presentations before the arbitration
35 panel, examination of the written record, or any other inquiry as
36 will best reveal the facts of the disputes. In any case, the panel shall
37 make its findings and complete its examination within 45 calendar
38 days of the date of filing the request for arbitration, and a decision
39 shall be rendered within 10 calendar days of the examination.



1 All arbitration hearings shall be held at sites convenient to the
2 parties and with a view to minimizing costs. Each party to the
3 arbitration shall bear its own costs, except that the arbitration
4 panel, by unanimous agreement, may modify this arrangement.

5 (h) The board may study the effectiveness of the arbitration
6 panel pilot project in expediting resolution and reducing conflict
7 in disputes between guide dog users and guide dog schools and
8 may share its findings with the Legislature upon request.

9 (i) This section shall cease to be operative on July 1, ~~2002~~ _____,
10 and as of January 1, ~~2003~~ _____, is repealed, unless a later enacted
11 statute, which is enacted before January 1, ~~2003~~ _____, deletes or
12 extends that date.

13 SEC. 5. Section 7800 of the Business and Professions Code
14 is amended to read:

15 7800. This chapter of the Business and Professions Code
16 ~~constitutes the chapter on geologists and geophysicists. It shall be~~
17 ~~known and~~ may be cited as the *California Geologist and*
18 *Geophysicist Licensing Act*.

19 SEC. 6. Section 8710 of the Business and Professions Code
20 is amended to read:

21 8710. (a) The Board for Professional Engineers and Land
22 Surveyors is vested with power to administer the provisions and
23 requirements of this chapter, and may make and enforce rules and
24 regulations that are reasonably necessary to carry out its
25 provisions.

26 (b) The board may adopt rules and regulations of professional
27 conduct that are not inconsistent with state and federal law. The
28 rules and regulations may include definitions of incompetence and
29 negligence. Every person who holds a license or certificate issued
30 by the board pursuant to this chapter, or a license or certificate
31 issued to a civil engineer pursuant to Chapter 7 (commencing with
32 Section 6700), shall be governed by these rules and regulations.

33 (c) This section shall become inoperative on July 1, ~~2003~~ 2004,
34 and, as of January 1, ~~2004~~ 2005, is repealed, unless a later enacted
35 statute, which becomes effective on or before January 1, 2004
36 2005, deletes or extends the dates on which it becomes inoperative
37 and is repealed. The repeal of this section shall render the board
38 subject to the review required by Division 1.2 (commencing with
39 Section 473). However, the review of this board shall be limited

1 to only those unresolved issues identified by the Joint Legislative
2 Sunset Review Committee.

3 SEC. 7. Section 22259 of the Business and Professions Code
4 is amended to read:

5 22259. This chapter shall be subject to the review required by
6 Division 1.2 (commencing with Section 473).

7 This chapter shall become inoperative on July 1, ~~2002~~ _____,
8 and, as of January 1, ~~2003~~ _____, is repealed, unless a later enacted
9 statute, which becomes effective on or before January 1, ~~2003~~
10 _____, deletes or extends that date on which it becomes inoperative
11 and is repealed.

12 SEC. 8. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.

